

ITEM NO. 5A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING December 13, 2016

1. **CALL TO ORDER**

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:00 p.m.

2. **ROLL CALL**

Members present: Mayor De La Vega, Councilmembers Anderson, Ansari, Clapp and Grothe. Also present were City Administrator Crawford and City Attorney Biggerstaff.

3. **APPROVAL OF AGENDA**

Anderson moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 5. Motion carried.

4. **CONSENT AGENDA**

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of November 22, 2016 – add state statute when entering into closed session and adjourn the regular meeting at 9:07 p.m.
- B. Resolution 16-45, Jeff Clapp
- C. Approve 2017 Liquor License Renewals

Ansari seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

A. **Variance/ CUP - Rolchigo, 60 West Point Avenue**

Addison Lewis, Assistant City Planner reviewed the variance/CUP request for 60 West Point Avenue. He discussed the existing land use and zoning classification. He reviewed the five variances and CUP requests.

De La Vega asked for clarification of side yard setback requirements. He believed the ordinance is confusing. He asked if one foot would be added on each side setback. Lewis stated it would be added to both sides.

Councilmembers discussed the intent of the ordinance. De La Vega stated the height definition also appears confusing.

Lewis reviewed the conditions for approval of the request and survey showing proposed conditions. He discussed the proposed hardcover which could be approved administratively. He noted the side yard setback variance which would be required. Height variances were also discussed. He also reviewed variance criteria and noted the request met the majority of the criteria. He noted the request did not meet the practical difficulties test. Staff recommended approval of the variances requested for lot size, building height, finished fill elevation buffer and CUP for floor area ratio. Staff recommended denial of the variances for side yard setbacks and CUP for roof peak higher than permitted.

Grothe asked if the pitch of the roof was dropped and met the requirement, would there still be the peak issue? Lewis stated that it would. Roof pitch as it related to height was discussed.

De La Vega opened the public hearing for public comments.

John Peirsol, 70 West Point Avenue stated the street was unique. He discussed the proposal's building height and elevation and its impact on the neighborhood. He noted the entire footprint, with the exception of the fireplaces, met setback requirements. He stated the Council should take the neighborhood's comments and support into consideration when making a decision on this request. He supported the request.

Dave Sturgeon, 40 West Point Avenue stated he had no problem with the variance requests.

De La Vega stated a letter was also received. Crawford stated the resident from 120 West Point Road also supported the request.

De La Vega closed the public hearing.

Grothe stated the issue on one side was the fireplace. He discussed the side yard setback variances requested.

Clapp stated he supported the majority of the variance requests except for the height variance. He believed that was a lot of extra height over and above what the variance called for.

Anderson supported the request.

Ansari stated she was initially concerned about the height until she heard neighboring views would not be impacted.

De La Vega stated we do have some latitude when making a decision. He stated we are sworn to uphold the ordinances. The tricky part would be to come up with a reason to circumvent the ordinance. In this case, we aren't finding a hardship and need a finding of fact to overcome that limitation.

Grothe stated the current grade level was lower than other properties.

Adam Rolchigo, applicant believed the management of storm water on their property could be considered a hardship. He indicated he has been very respectful of the neighborhood.

Peirsol stated this is a substandard lot and explained why this should be considered a hardship.

De La Vega stated there has to be a reason for the height in order for us to overcome the hardship question.

John Van Dyke, contractor discussed the roof peak height. He stated another hardship would be the inability to put in a basement. This resulted in maximizing the volume of the house to compensate.

De La Vega stated we are trying to find a way to make this happen.

Lewis stated one way would be to modify the design and meet the side setbacks.

Grothe asked if we needed to table this or approve some portion of the request. Lewis suggested the first three variances and the CUP for the FAR could be approved. He stated the request that would be recommended for denial could be tabled.

De La Vega asked the homeowners how willing they would be to lower the height.

Rolchigo stated they would be willing to do so.

De La Vega stated if the side yard setbacks could be met that would make the other variances unnecessary. Rolchigo agreed to that recommendation as well.

Lewis explained the setbacks cause the height issues.

Grothe moved to direct staff to prepare Resolution 16-46 approving the variance requests for minimum lot size, structure height, and floodplain buffer and Resolution 16-47 CUP for floor area ratio and to table the additional requests for side yard setbacks and CUP for additional height. Anderson seconded the motion. Ayes 5. Motion carried.

B. 2017 Truth-in-Taxation/ Approve 2017 Budget and Levy

Crawford stated the proposed tax levy for 2017 would be \$1,037,944 and the levy for the capital improvement program would be \$57,000 which reflected a 2.67% increase over the previous year. She stated budgets and narratives were reviewed during previous work sessions.

De La Vega opened the public hearing for comments. There were none, and the hearing was closed.

Anderson moved to adopt Resolution 16-50 approving the 2017 budget and tax levy. Grothe seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.

C. Amend Section 402 – Fee Schedule

Grothe was concerned about how low our liquor license fees are compared to other cities. De La Vega stated they could be considered at a later date.

De La Vega discussed increases in the fee schedule for water rates. He stated a notice would be included in the next newsletter.

De La Vega opened the public hearing. There were none, and the hearing was closed.

Anderson moved to accept Ordinance 2016-05 amending the fee schedule. Ansari seconded the motion. Ayes 5. Motion carried. Anderson moved to adopt Resolution 16-51 authorizing summary publication of the ordinance. Clapp seconded the motion. Ayes – Ansari, Anderson, Clapp, De La Vega and Grothe. Motion carried.

8. **OLD BUSINESS**

A. **Award Project – 35 Lakeview Ave Storm Sewer Replacement**

Justin Messner, City Engineer discussed the storm sewer replacement project for 35 Lakeview Avenue and the low bid received. He discussed alternates and the low cut method which was chosen for the project. The estimate was higher than the engineer's estimate by about \$20,000. He indicated the storm sewer fund would pay for this project.

Grothe asked why it was so much higher than estimated. Messner stated it was due to the complicated nature of the project and the smaller scale.

Messner noted the project would be cheaper if performed in the spring. He stated Peterson Company is the low bidder in the amount of \$94,353.37.

Anderson moved to adopt Resolution 16-52 awarding the bid to Peterson Company in the amount of \$94,353.37. Ansari seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.

B. **Amend Zoning Ordinance Section 1011**

Crawford asked for direction for preferred ordinance language regarding wind energy. Three sample ordinances were provided for review from other cities.

De La Vega suggested reviewing these ordinances in more detail over the next several weeks.

Grothe stated there are a number of things that looked good to him, and these samples would be a good way to begin.

9. **NEW BUSINESS**

A. **Cancel December 27, 2016 City Council Meeting**

De La Vega stated we typically cancel the last meeting in December.

Anderson moved to cancel the December 27 meeting. Clapp seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator – none
- B. Anderson – Finance, Fire Lanes and Public Access, Technology – none
- C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – none
- D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – none
- E. Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks – none
- F. Attorney's Report – Biggerstaff reviewed the letter received from Nextel regarding the antenna lease. Councilmembers discussed the letter. De La Vega stated he suggested the Council think about this and discuss at the first meeting in January. Biggerstaff stated he would contact Nextel.
- G. De La Vega - Public Works, SLMPD, Administration – De La Vega thanked Councilmember Clapp for his years of service as a councilmember and Park Committee member.

12. ADJOURNMENT

There being no further business, it was moved by Clapp to adjourn the meeting at 8:30 p.m. Anderson seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk